IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6644 OF 2003

Ashok Girappa Halgode .. Petitioner.
Vs.
Akkalkot Municipal Corporation .. Respondent.

Mr.N.V.Muley i/b Mr.G.S.Godbole for the petitioner.
Mr.A.A.Kumbhakoni for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 2ND MAY, 2005

P.C.:

. Heard Mr.Muley, learned counsel for the petitioner and Mr.Kumbhakoni, learned counsel for the respondent.

2. This petition is directed against the concurrent findings recorded by the courts below rejecting the application Exhibit-5 filed by the petitioner for injunction restraining the respondent-corporation from demolishing tin shed where he is running his business of communication centre. It appears that pending hearing of the application Exhibit-5, the trial Court had granted protection and it was running in favour of the petitioner till the disposal of appeal on 16.7.2003. This court while issuing notice directed the parties to maintain status quo as on the date of issuance of notice i.e. 29.8.2003 and that order is in operation

till today. Keeping that in view, in my opinion, the appropriate course would be to direct the trial Court to dispose of Regular Civil Suit No.48 of 2002 within time frame instead of keeping this writ petition pending in this court by continuing order of status quo till the disposal of the suit. Hence the following order:

. The trial Court shall endeavour to dispose of Regular Civil Suit No.48 of 2002 as expeditiously as possible and preferrably within a period of one year from today. The order of status quo granted by this court vide order dated 29.8.2003 shall remain operative till disposal of the suit. The trial Court shall dispose of the suit on merits in accordance with law and uninfluenced by the order of status quo granted by this Court and/or findings recorded by the courts below while disposing of the application Exhibit-5. The order of status quo granted by this court shall not entitle the petitioner to claim interim order as of right, if his suit is ultimately dismissed on merits. However, it is open for the appellate court to pass interim order in the appeal that may be filed by the petitioner, in the event of dismissal of their suit.

. The writ petition is, accordingly, disposed of.

(D.B.Bhosale, J.)